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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,682	03/21/2001	Yoshizou Honda	10830-057001	3457

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EXAMINER	
AZARIAN, SEYED H	
ART UNIT	**PAPER NUMBER**
2625	3

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/813,682	Applicant(s) HONDA, YOSHIZOU	
	Examiner Seyed Azarian	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 March 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-4, are rejected under 35 U.S.C. 102(e) as being anticipated by Sasaki (U.S. patent 5,959,672).

Regarding claim 1, Sasaki discloses a moving image reception quality evaluation apparatus for evaluating the quality of a moving image at the receiving time of a moving image receiver for receiving moving image code output from a moving image transmitter through a network, said apparatus comprising;

a moving image code reception section adapted to receive the same moving image code branched as the moving image code input to the moving image receiver just before the moving image receiver receives the moving image code (column 2, lines 6-29, provide a picture signal encoding, which compresses a picture signal with a variable-length code to produce and transmit encoded bit stream data or "transmitting a motion picture" such as digital portable telephone);

a moving image decoder having an equivalent function to means for decoding the moving image code that the moving image receiver has and detecting an anomaly of the moving image code (column 4, lines 9-28, detect the area, the of the occurrence of motion vector being the attribute information designated in block);

and an image quality evaluation section adapted to analyze output of said moving image decoder and evaluate the image quality (column 10, lines 28-46, error evaluation means calculating the error value between color information data obtained by the decoding process and estimating color information of each blocks of pixel data decoded, also column 47, lines 21-36, reliability evaluation value is calculated);

wherein the moving image code received by the moving image receiver can be input from the moving image receiver to said moving image decoder (column 1, lines 7-16, the process of encoding an picture signal, and a picture signal decoding for receiving such an encoded bit stream to decode it into a picture signal).

Regarding claim 2, Sasaki discloses a moving image reception quality evaluation apparatus for evaluating the quality of a moving image at the receiving time of a moving image receiver for receiving moving image code output from a moving image transmitter through a network, said apparatus comprising;

a moving image code reception section adapted to receive the same moving image code branched as the moving image code input to the moving image receiver just before the moving image receiver receives the moving image code (see claim 1, and column 2, lines 6-18, motion picture through extremely low rate transmission systems such as digital portable telephone system (network);

a moving image decoder having an equivalent function to means for decoding the moving image code that the moving image receiver has and detecting an anomaly of the moving image code; and an image quality evaluation section adapted to analyze the output of said moving

image decoder and evaluating the image quality (column 17, line 60 through column 18, line 10, error correction and outputs the motion vector data estimation).

Regarding claim 4, Sasaki discloses a moving image reception quality evaluation apparatus for evaluating the quality of a moving image at the receiving time of a moving image receiver for receiving moving image code output from a moving image transmitter through a network, said apparatus comprising: a moving image receiver emulator section for emulating functions equivalent to moving image code reception means and moving image decoding means that a plurality of types of moving image receivers have in response to the type of moving image receiver (see claim 1 and column 26, line 59 through column 27, line 14, occurrence of the motion vector is included in MTP (macroblock type), in this case H.261 standard).

Regarding claim 3, it recites similar limitation as claim 1 is similarly analyzed.

Other prior art cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent (5,940,769) to Nakajima et al is cited for radio communication system having re-send control method.

U.S. patent (5,537,155) to O,Connell et al is cited for method for estimating motion in a video sequence.

U.S. patent (5,794,164) to Beckert et al is cited for vehicle computer system.

U.S. patent (6,035,212) to Rostoker et al is cited for multi-frequency wireless communication device.

U.S. patent (6,377,818) to Irube et al is cited for communication terminal apparatus.

U.S. patent (6,400,887) to Takano et al is cited for portable av editing apparatus.

Contact Information

4. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Seyed Azarian
Patent Examiner
Group Art Unit 2625
March 24, 2004

BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600